

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COMPETITIVE CARRIERS OF	)	
THE SOUTH, INC. FOR A DECLARATORY	)	
ORDER AFFIRMING THAT THE	)	CASE NO.
INTERCONNECTION REGIMES UNDER KRS	)	2015-00283
278.530 AND 47 U.S.C. § 251 ARE TECHNOLOGY	)	
NEUTRAL	)	

ORDER

On September 9, 2016, Competitive Carriers of the South, Inc. (“CompSouth”) filed a petition, pursuant to KRS 61.878 and 807 KAR 5:001, Section 13, requesting that the Commission grant confidential protection for a period of ten years to portions of CompSouth’s responses to MCIMetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services’ (“Verizon”) First Request for Information (“Verizon’s First Request”), Items 1–3. The designated materials for which confidential protection is requested are more specifically described as:

- CompSouth’s response to Verizon’s First Request, Item 1, which identifies the CompSouth members that have agreements with service providers other than an affiliate of CompSouth regarding the exchange of voice traffic in Internet Protocol format, and the counterparties to such agreements.
- CompSouth’s response to Verizon’s First Request, Item 2, which contains the agreements identified in response to the above data request.

- CompSouth's response to Verizon's First Request, Item 3, which identifies the percentage of CompSouth's members' retail customers who subscribe to Voice over Internet Protocol service.

In support of its petition requesting confidential treatment, CompSouth asserts that the designated materials are proprietary information that if publicly disclosed would place CompSouth at a competitive disadvantage, and thus are exempt from public disclosure pursuant to KRS 61.878(1)(c)(1). CompSouth contends that public disclosure of the designated materials would harm CompSouth's members' competitive position in the marketplace, to the detriment of CompSouth, its members, and its members' customers.

Having considered the petition and the materials at issue, the Commission finds that the designated materials contained in CompSouth's responses to Verizon's First Request, Items 1–3, are generally recognized as confidential or proprietary, and which, if openly disclosed, could result in commercial harm to CompSouth, and therefore meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and 807 KAR 5:001, Section 13.

IT IS THEREFORE ORDERED that:

1. CompSouth's petition for confidential protection for designated materials contained in its responses to Verizon's First Request, Items 1–3, is granted.
2. The designated materials set forth in CompSouth's responses to Verizon's First Request, Items 1–3, shall not be placed in the public record or made available for public inspection for period of ten years, or until further Orders of this Commission.

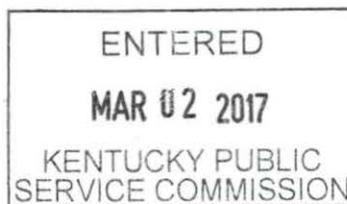
3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. CompSouth shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

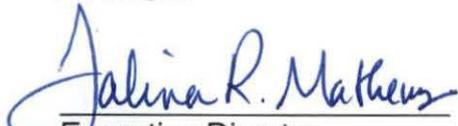
5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, then CompSouth shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If CompSouth is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow CompSouth to seek a remedy afforded by law.

By the Commission



ATTEST:

  
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